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Management Services, Inc.*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re:	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	Chapter 11
Debtor.	§	Case No. 19-34054-sgj11
<hr/>	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
Plaintiff,	§	Adversary Proceeding No.
vs.	§	21-03006-sgj
<hr/>	§	
HIGHLAND CAPITAL MANAGEMENT SERVICES, INC., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	§	
Defendants.	§	

**DEFENDANT HIGHLAND CAPITAL MANAGEMENT SERVICES, INC.’S MOTION
TO EXTEND EXPERT DISCLOSURE AND DISCOVERY DEADLINES**

TO THE HONORABLE STACEY G.C. JERNIGAN, U.S. BANKRUPTCY JUDGE:

COMES NOW, Highland Capital Management Services, Inc. (“HCMS”), one of the Defendants in the above styled and numbered Adversary Proceeding initiated by Highland Capital Management, L.P. as Plaintiff (the “Debtor”), and files this, its *Motion to Extend Expert Disclosure and Discovery Deadlines* (the “Motion”). HCMS respectfully shows as follows:

I. RELIEF REQUESTED

1. On October 29, 2021, NexPoint Advisors, L.P. (“NexPoint”) filed its *Motion to Extend Expert Disclosure and Discovery Deadlines* with several exhibits attached (the “NexPoint Motion”) in Case No. 19-34054-sgj11, Adversary Proceeding No. 21-03005-sgj, collectively attached hereto as “Exhibit A.¹” HCRE and HCMS incorporate the context of the NexPoint Motion as if fully set forth herein.

2. As described in the NexPoint Motion, in the NexPoint, HCMS and HCRE Notes cases there is a similar issue regarding whether the Debtor, Highland Capital Management, as the servicer for NexPoint, HCMS and HCRE, failed to make term loan payments at the end of 2020, enabling the Debtor to contend that the term loans were accelerated. As described in the Rukavina Declaration annexed to the NexPoint Motion, unexpected testimony just last week gave rise to the need to investigate whether expert testimony on the duties of a servicer like Highland Capital Management would be useful.

3. As a result of the timing, it was not possible to retain an expert who could provide a report by the existing deadline, today. HCRE and HCMS therefore seek an extension of time to potentially obtain an expert report from Mr. Steven Pully. HCRE and HCMS would act expeditiously to minimize any impact on the schedule.

4. For generally the same reasons set forth in the NexPoint Motion, HCMS requests this Court grant it the same relief requested by NexPoint.

¹ *Motion to Extend Expert Disclosure and Discovery Deadlines*, Case 21-03005-sgj [Doc 86]; *Declaration of Davor Rukavina*, Case 21-03005-sgj [Doc 86-1]; *Exhibit A*, Case 21-03005-sgj [Doc 86-2]; *Exhibit B*, Case 21-03005-sgj [Doc 86-3]; *Exhibit C*, Case 21-03005-sgj [Doc 86-4].

II. PRAYER

WHEREFORE, PREMISES CONSIDERED, HCMS respectfully requests this Court enter an order (i) granting this Motion; (ii) modifying the Scheduling Order to extend the deadline to designate experts and serve expert reports through December 13, 2021; (iii) modifying the Scheduling Order accordingly for the potential designation of rebuttal experts and service of rebuttal expert reports, and extending expert discovery; and (iv) granting HCMS such other and further relief as may be proper.

RESPECTUFLY SUBMITTED this 29th day of October, 2021.

STINSON LLP

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**ATTORNEYS FOR DEFENDANT
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SERVICES, INC.**

CERTIFICATE OF CONFERENCE

Counsel for NexPoint requested counsel for the Debtor to agree to the extension and within minutes, the Debtor declined. For that reason, counsel for HCCE and HCMS concluded further conferencing would be futile.

/s/ Deborah Deitsch-Perez
Deborah Deitsch-Perez

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on October 29, 2021, a true and correct copy of this document was served via the Court's CM/ECF system on counsel for the Plaintiff.

/s/ Deborah Deitsch-Perez
Deborah Deitsch-Perez